

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6702

BILL NUMBER: HB 1096

DATE PREPARED: Dec 20, 2001

BILL AMENDED:

Subject: Control of Certain Plants.

FISCAL ANALYST: Valerie Ruda

PHONE NUMBER: 232-9867

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill prohibits the planting of rosa multiflora, autumn olive, and russian olive (controlled plants) in a highway right-of-way and provides for local government control of controlled plants. It requires the state to remove or pay for the removal of controlled plants that have spread from a state highway right-of-way to other property. The bill also allows a local government to bill a property owner for the costs incurred by the local government in cutting or removing a controlled plant.

Effective Date: July 1, 2002.

Explanation of State Expenditures: This bill prohibits a person from planting a controlled plant in a highway right-of-way. If one has been planted in a state highway right-of-way and it encroaches upon property outside the right-of-way, the state must either remove the plant or pay to have it removed, as requested by the property owner. The Department of Transportation (DOT) would charge the expense to the State Highway Fund. Currently, the DOT estimates the cost of sending an average crew size of three people out for plant removal work to be \$17.40 per person on the crew per hour of work.

This bill allows a local governmental unit to issue a bill to the Auditor of State for removal of a controlled plant on state property that is located within the unit of local government.

Explanation of State Revenues:

Explanation of Local Expenditures: According to the provisions of this bill, local governmental units may require an owner of real property to control and contain, or remove a controlled plant from their property by issuing a written notice to the owner via certified mail or personal delivery by the county sheriff. If a written notice is issued, the governmental unit may recommend a program for controlling and containing these plants. If the property owner who receives a written notice fails to complete the recommended program or remove the plant, the governmental unit may pay for the plant's removal.

Expenses incurred by the governmental unit in removing the plant may be paid from the general fund. Those expenses must also be certified for a cost of \$20 per day for each day the removal work must be supervised. The certified statement of costs must be issued to the property owner, whether private, local or state governmental units, in the same manner as the written notice. If the private property owner does not pay the amount due, the county auditor may place the certified statement on the tax duplicate of the property and collect the amount as taxes are collected. If an owner of tax exempt property does not pay the amount due, the property will no longer qualify as tax exempt.

Explanation of Local Revenues: Any revenues collected from issuing certified statements of costs for removing controlled plants will be deposited in the local governmental unit's general fund.

State Agencies Affected: Indiana Department of Transportation.

Local Agencies Affected: Local governmental units.

Information Sources: Dennis Belter, Indiana Department of Transportation, 232-5424.